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ABSTRACT

This paper addresses issues in determining the most appropriate placement for a student with a disability, emphasizing that Individualized Education Program (IEP) teams must adhere to legal requirements related to placement in the least restrictive environment. The paper addresses: federal requirements under the Individuals with Disabilities Education Act (IDEA) Amendments of 1997; the intent of IDEA, which emphasizes inclusion in the general curriculum; the IEP process, which must document the student's need for special education and related services; the placement decision, with the required procedures and factors to consider; nonacademic and extracurricular services and activities; and questions the IEP team should consider. (DB)

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Least Restrictive Environment Considerations Related to Individual Educational Plans
Technical Assistance Paper

Florida State Department of Education
Division of Public Schools and Community Education
Bureau of Instructional Support and Community Services

June 2000

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Florida Department of Education

FLORIDA
Department
of Education

Tom Gallagher
Commissioner

Shan Goff, Chief
Bureau of Instructional
Support and Community Services

July 5, 2000

M E M O R A N D U M #2000-22

TO: Directors, Exceptional Student Education

FROM: Shan Goff

SUBJECT: Technical Assistance Paper, Least Restrictive Environment Considerations Related to Individual Educational Plans

We are pleased to provide you with this technical assistance paper (TAP) designed to provide guidance to school and district personnel regarding provision of services in the least restrictive environment (LRE) for a student with a disability. This paper is intended to provide districts and individual educational plan (IEP) teams with guidance in reviewing pertinent factors to determine the appropriate placement for a student with a disability. It will also help school personnel understand the preferences of the Individuals with Disabilities Education Act (IDEA) Amendments of 1997 and the LRE principles to consider each time an IEP team meets. The TAP also includes important points for consideration when determining the setting in which the student can be educated successfully.

If you have any questions regarding this document, you may contact Paul Gallaher, Program Specialist, at 850/488-1106, e-mail: gallahp@mail.doe.state.fl.us.

SG/pgh

Attachment

cc: State Advisory Committee Members
FDLRS Associate Centers

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Least Restrictive Environment Considerations Related to Individual Educational Plans

STATEMENT OF ISSUE

Provision of services for students with disabilities in the least restrictive environment (LRE) is a critical component of the Individuals with Disabilities Education Act (IDEA). Students with disabilities must be served in the regular education environment unless the nature or severity of the disability is such that education in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. The decisions regarding the educational placement, including participation in nonacademic and extracurricular activities, of each student with a disability must be based on the individualized needs of each student as determined and documented through the individual educational plan (IEP) process.

PURPOSE

The purpose of this technical assistance paper (TAP) is to re-emphasize that IEP teams must adhere to all legal requirements related to placement in the LRE. This TAP will also address other considerations that must be addressed when determining the most appropriate placement for a student with a disability.

Federal Requirement

Identical language is found in both the Individuals with Disabilities Education Act Amendments of 1997, Section 1412(a)(5)(A), and Section 300.550(b)(1)(2) of Title 34 of the Code of Federal Regulations. Both of these state the following concerning LRE:

"To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other **removal** of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily."

Section 1400(b)(5) of the IDEA Amendments of 1997 states, "Over 20 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by - (A) having high expectations for such children and ensuring their access in the general curriculum to the maximum extent possible;...(D) providing appropriate special education and related services and aids and supports in the regular classroom to such children, whenever appropriate."

Paper Number: FY 2000-5

June 2000

Division of Public Schools
Bureau of Instructional Support
and Community Services

Refer Questions To:
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FLORIDA Department of Education

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Intent of IDEA

IDEA recognizes that IEP teams must make individualized decisions about the services and modifications provided to a student with a disability. However, a strong preference within IDEA is that students with disabilities be educated in regular classes with their nondisabled peers, with appropriate supplementary aids and services provided to facilitate such placement. Consequently, every time the IEP team meets to review or develop the student's IEP, the team should begin with the regular education class as the first placement option considered. The provision of special education and related services, accommodations and modifications, supplementary aids and services, and other supports for school personnel should be considered and individually determined so that the student with a disability can

- be involved in and progress in the regular education classroom
- achieve the goals of the IEP
- successfully demonstrate his or her competencies in state and districtwide assessments

Only when it is necessary to meet the measurable annual goals, including benchmarks or short-term objectives, and provide the appropriate exceptional student education (ESE) services should the student with a disability be removed from the regular education classroom.

Further emphasizing the participation of students with disabilities in the general curriculum, IDEA requires that the following IEP components must include references to the general curriculum:

- The present level of educational performance statement includes how the student's disability affects the student's involvement and progress in the general curriculum.
- The measurable annual goals, including benchmarks or short-term objectives, must be related to meeting the student's needs that result from the disability to enable the student to be involved in and progress in the general curriculum.
- Special education and related services, supplementary aids and services, program modifications or supports for school personnel will be provided for the child, "...to be involved and progress in the general curriculum and to participate in extracurricular and other nonacademic activities...."
- The IEP must also include an explanation of the extent to which the student will not participate with nondisabled students in the regular class. Stated another way, the IEP must include an explanation of why the student cannot be educated in a regular education setting.

The IEP Process

Through the IEP process, the IEP team identifies and documents the student's present level of educational performance, including how the disability affects the student's involvement and progress in the general curriculum. The effect of the disability may then become the priority educational need of the student. The corresponding measurable annual goals, including benchmarks or short-term objectives, are developed to address the needs stated in the present level of educational performance statement. Decisions made concerning present levels and goals, including benchmarks or objectives, are based on the individualized needs of the student and will assist the IEP team in identifying appropriate special education and related services, supplementary aids and services, accommodations and modifications, or supports for school personnel that will be provided for the student in the most appropriate setting.

The IEP team must also consider opportunities for the student to participate with nondisabled students in nonacademic and extracurricular activities and must identify on the IEP services that will be provided to allow participation to the maximum extent appropriate. Ultimately, these decisions will be considered in identifying the appropriate placement for the student.

The Placement Decision

In determining the educational placement of a student with a disability, including a preschool child with a disability, the following procedures must be adhered to:

- The placement decision is made by a group of persons, including the parents and other persons knowledgeable about the student and placement options, by utilizing meaningful data from a variety of sources.
- A continuum of alternative placements is available to meet the needs of students with disabilities, including instruction in regular classes, resource rooms, special classes, hospital/homebound, special schools, residential facilities, and juvenile justice programs.
- The student's placement is determined at least annually based on information in the student's IEP and is as close as possible to the student's home.

The following factors should be considered as placement decisions are made:

- The student is educated in the school that he or she would attend if nondisabled.
- In selecting the appropriate placement, consideration must be given to any harmful effects on the student or on the quality of services he or she needs.
- A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.
- The student's placement options must not be based solely on the student's eligibility category, disabling condition, administrative convenience, or label.
- The school district must ensure that each student with a disability has the opportunity to participate as appropriate in nonacademic and extracurricular services and activities.

Nonacademic and Extracurricular Services and Activities

Students with disabilities must have the opportunity to participate in nonacademic and extracurricular services and activities with nondisabled students to the maximum extent appropriate. No student may be excluded from participation in these services and activities based on his or her disability. Each school district shall take steps to provide nonacademic and extracurricular services and activities as needed to provide an equal opportunity for all students with disabilities to participate in those services and activities. Regardless of the appropriate placement for a student with a disability (resource room, special class, etc.), the school must include the student in school programs, activities, and services with nondisabled students based on the needs of the individual student.

IEP teams must consider the needs of each student and provide the appropriate services, if needed, to enable students with disabilities to participate in nonacademic and extracurricular services and activities. Nonacademic and extracurricular services and activities include recess periods and athletics; food services and meals; social and recreational activities; special interest groups or clubs sponsored by the school or district; referrals to outside agencies or organizations; and employment and employment assistance.

Questions to Ask

Before decisions are made that identify the frequency and location of all the services and modifications and the placement of the student, the IEP team must consider the following questions every time the student's IEP is reviewed:

1. Do the measurable annual goals, including benchmarks or short-term objectives, appropriately address the student's academic, social, emotional, behavioral, communication, physical, and career needs?

2. What supplementary aids and services, program modifications, or supports for school personnel are necessary in order for the student to be involved in and progress in the general curriculum?

3. Will the student satisfactorily achieve the goals and benchmarks or objectives in the IEP if the student is educated in the regular class with the support of the supplementary aids and services?

4. What positive effect will the student's presence have on other students and the teacher in the regular classroom? What negative effect will the student's presence have on other students and the teacher in the regular classroom?

5. Are the student's needs for interaction with nondisabled peers appropriately addressed?

6. How will the student have opportunities to participate in nonacademic and extracurricular activities?

SUMMARY

The intention of the LRE principle is to ensure that the student with a disability is served in a setting in which the student can be educated successfully. IDEA does not mandate regular class placement for every student with a disability but presumes that the first placement option considered for each student is the regular classroom in the school the student would attend if not disabled. If a decision is made that a student with a disability cannot be educated satisfactorily in the regular educational environment, even through the provision of supplementary aids and services, then the student may be placed in a setting other than the regular classroom. Placement decisions must be individually made on the basis of each student's abilities and needs. These decisions **should not** be based on factors such as disabling condition or label, degree of disabling condition, availability of services or space, configuration of the service delivery system, or administrative convenience. Schools must provide evidence that the regular classroom placement **is not** appropriate for the student, rather than other individuals (parents, teachers) having to prove that the regular classroom is appropriate. The information contained in the IEP for each student should form the basis for the placement decision.

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